



W.P.(MD) Nos.2132, 2537 and 3449 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) Nos.2132, 2537 and 3449 of 2024
and W.M.P.(MD) No.2533 of 2024 in W.P.(MD) No.2537 of 2024**

W.P.(MD) No.2132 of 2024:

Muruga Ganesan

... Petitioner

-VS-

1.The District Collector,
Collectorate Office,
Theni District.

2.The Superintendent of Police,
Theni,
Theni District.

3.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant permission for



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conducting Rekla Race to be held on 04.02.2024, Sunday between 6.00 A.M. to 11.00 A.M. at Old RDO Office, T.Kallipatti to Varattaru based on the petitioner's representation dated 21.01.2024.

For Petitioner : Mr.S.Pooranachandran

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1

Mr.R.Meenakshisundaram
Additional Public Prosecutor for R2 and R3

W.P.(MD) No.2537 of 2024:

T.Ravi

... Petitioner

-VS-

1.The District Collector,
Thanjavur District.

2.The Superintendent of Police,
Thanjavur.

3.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Pattukkottai,
Thanjavur District.

4.The Inspector of Police,
Peravurani Police Station,
Peravurani,
Thanjavur District.

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to Impugned rejection order passed by 3rd respondent in செயல் முறை ஆணை 22 / து.கா.க/ முகாம்/ பட்டு/ 2023 dated 19.01.2024 and quash the same and consequently direct the respondents to grant permission to conduct Bullock Cart race at Serupalakadu Village, Sethupavachathiram, Peravurani Taluk, Thanjavur District on 18.02.2024 from 7.a.m. to 1 p.m.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1

Mr.R.Meenakshisundaram
Additional Public Prosecutor for R2 to R4

W.P.(MD) No.3449 of 2024:

M.Bhuvaneswaran

... Petitioner

-VS-

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Superintendent of Police,
Thanjavur District,
Thanjavur.



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3.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.

4.The Inspector of Police,
Peravurani Police Station,
Peravurani,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to grant permission and to provide adequate police protection to conduct the “Bullock Cart Race” and “Horse Race” on 18.02.2024, at about 06.00 a.m. to 02.00 p.m. from Ponnankanni Kadu Village to Panjanathipuram Village, by considering the petitioner's representation dated 07.02.2024.

For Petitioner : Mr.S.Mohamed Suhail

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1

Mr.R.Meenakshisundaram
Additional Public Prosecutor for R2 to R4

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

W.P.(MD) Nos.2132 of 2024 and 3449 of 2024 have been filed seeking a direction to the respondents to grant permission to conduct Bullock



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Cart Race / Horse Race / Rekla Race. W.P.(MD) No.2537 of 2024 has been filed challenging the rejection order passed by 3rd respondent in செயல் முறை ஆணை 22 / து.கா.க/முகாந்/யட்டு/2023 dated 19.01.2024 and consequently direct the respondents to grant permission to conduct Bullock Cart race at Serupalakadu Village, Sethupavachathiram, Peravurani Taluk, Thanjavur District on 18.02.2024 from 7.00 a.m. to 1.00 p.m.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself.

3. According to the petitioner in W.P.(MD) No.2132 of 2024, the villagers have decided to conduct Rekla Race on 04.02.2024 and the petitioner submitted an application to the respondents to grant permission, but till date no order has been passed.

4. According to the petitioner in W.P.(MD) No.3449 of 2024, as the President of the Temple Committee of Sree Mamundi Karuppar, Sree Ayyanar Temples, he submitted an application to conduct the “Bullock Cart Race” and



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“Horse Race” on 18.02.2024, at about 06.00 a.m. to 02.00 p.m. from Ponnankanni Kadu Village to Panjanathipuram Village on the eve of Masi Maham Festival, but the same has not been considered so far.

5. According to the petitioner in W.P.(MD) No.2537 of 2024, on the eve of Pongal Celebration in the month of “Thai” petitioner's village has a practice of conducting Bullock Cart race. On 19.01.2024, on behalf of the Village Committee, the petitioner submitted an application before the third respondent for conducting Bullock Cart Race in the petitioner's village on 18.02.2024. However, the same was rejected on 19.01.2024 on the ground the date and time has not been mentioned in the application and the letter seeking medical assistance is not enclosed. Hence, the petitioner has submitted an reply giving the particulars, but the same has not been considered.

6. In view of the above, the petitioners have filed the respective Writ Petitions. Since, the issue involved in these Writ Petitions are one and the same, they are taken up together for hearing and disposed of by this common order.



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7. At the time of earlier hearings, since there are allegations that there is no uniformity in granting permission for conducting Bullock Cart Race and other races and while granting permission for conducting the event in a particular place for a particular organization, the same is being rejected in respect of another organization, we directed the learned Additional Public Prosecutor to get instructions as to whether the Government has issued any guidelines for conducting the events.

8. Today, when the matter was taken up hearing, learned Additional Public Prosecutor has filed the report of the 2nd respondent in W.P.(MD) No.2537 of 2024, wherein it is stated as follows:-

“2. The following conditions may be imposed in conducting Bullock cart race at Seruppalakadu Village, Sethupavachatram Peravurani Taluk, Thanjavur District.

i) Organizers should obtain no objection for conducting events from the following departments. NOC to be obtained from the Animal Welfare Board, Highways Authorities, Revenue departments, and Health department.

ii) Bulls cart race should be conducted in the daytime only and the entire event should be completed maximum before 3 hrs time.



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iii) The timing and number of Bulls cart should be decided by the local administration based on local conditions.

iv) There should not be any betting, gambling, or any illegal activities associated with this event.

v) They should not intoxicate the Bulls.

vi) Similarly, the Bullock cart riders should be strictly prohibited from using alcohol.

viii) Every Bulls cart should be certified for its stability by an appropriate authority.

viii) The race should not be conducted in National Highways or State Highways and preferably village roads or any other mud track prepared on empty field may be used.

ix) The Organizers should fix or decide the route in consultation with the Police Department. (Schools and Hospitals to be avoided)

x) The entire event should be video-graphed.

xi) Torturing of Bulls won't be allowed at any cost. No whipping of the bull would be permitted and the cart man would only be permitted to swirl it in the air and hit it on the ground, but in no manner whatsoever would the cart man be permitted to whip the bull or induce pain or cause any injury while conducting bullock cart races.

xii) There should not be any caste, communal and Political coloring in the conduct of the event.



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xiii) Fitness certificate for the participations should be obtained from the health department.

xiv) Only two persons should be allowed to ride the bullock cart.

xv) The maximum distance allowed to conduct the race should be for 5 kilometers only, beyond which permission is should be denied.

xvi) All the participants should wear Head protection and safety gear. Those who do not wear this should not be permitted to participate in the race.

xvii) Not more than 10 bullock carts should go at the same time.

xviii) Political Party flags, religious flags, slogans and songs should be avoided in the event.

xix) Representation to be given to all the concerned authorities 10 days prior to the function. Authorities can modify the route and time for the convenience of the general public.

xx) At every event, where bullock cart races are to be held, a separate track for each bullock cart will have to be provided.

xxi) A veterinary Doctor who is attached to the village Dispensary shall first inspect all the bulls that participate in the bullock cart races to ensure that they are in good physical condition and they are not intoxicated and that there is no application of chilli powder or



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mud to the genitals of the bull to make it more aggressive or ferocious, so that it runs at a faster speed. In the event of any unfortunate injury that may occur to a bull during the race, immediate adequate medical facility would be provided by the Veterinary Doctor.

xxii) In the event of any bull is subjected to cruelty by any person or persons during the bullock cart races, penal action would be initiated against him/them under the Prevention of Animal Cruelties Act, 1960.

xxiii) The Veterinary Doctor in association with NGOs espousing the cause of animal welfare would video graph the bullock cart races from vantage position so as to enable the authorities to find out that there is an infraction of law or of the aforesaid guidelines during the course of the races.

xxiv) Any organization seeking to conduct bullock cart races would have to inform the district administration/District Collector and the concerned police station in writing at least fifteen days prior to holding of such race.

xxv) Owners of the bull cart as well as the event organizers shall be solely responsible for any untoward incidents occurred during the race.”



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9. Further, the Hon'ble Supreme Court while granting permission in Transfer Petition (C) No.68 of 2013 imposed the following conditions:-

“i) At every event, where bullock cart races are to be held, a separate track for each bullock cart will have to be provided.

ii) No whipping of the bull would be permitted and the cartman would only be permitted to swirl it in the air and hit it on the ground, but in no manner whatsoever would the cartman be permitted to whip the bull or induce pain or cause any injury while conducting bullock cart races

iii) A veterinary Doctor who is attached to the village Dispensary shall first inspect all the bulls that Participate in the bullock cart races to ensure that they are in good physical condition and they are not intoxicated and that there is no application of chilly powder or mud to the genitals of the bull to make it more aggressive or ferocious, so that it runs at a faster speed.

In the event of any unfortunate injury that may occur to a bull during the race, immediate adequate medical facility would be provided by the Veterinary Doctor.

iv) In the event of any bull is subjected to cruelty by any person or persons during the bullock cart races, penal action would be initiated against him/then under the Prevention of Animal Cruelties Act, 1960.



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v) The Veterinary Doctor in association with NGOs espousing the cause of animal welfare would video graph the bullock cart races from vintage position so as to enable the authorities to find out that there is an infraction of law of the aforesaid guidelines during the course of the races.

vi) If the Committee to Monitor Animal Welfare Laws In Maharashtra constituted by the High Court desires to video graph the bullock cart races, then they would be entitled to do so and necessary safeguards and assistance would be provided to them by the Government.

vii) Any organization seeking to conduct bullock cart races would have to inform the District administration/District Collector and the concerned police station in writing at least ten days prior to holding of such race, which in turn would immediately intimate the same to the said Committee.”

10. Considering the requests made by the petitioners, the interest of both the organizers as well as participants and also the public, we dispose of these Writ Petitions with the following directions:-

(i) In the light of the conditions imposed by the Police Department as well as the conditions imposed by the Hon'ble Supreme Court in Transfer Petition



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(C) No.68 of 2013, while considering the applications, the concerned respondents have to impose necessary conditions for the purpose of conducting Bullock Cart Race / Rekla Race / Horse Race, if the aforesaid conditions are complied with, necessary permission shall be granted.

(ii) We also direct the learned Additional Public Prosecutor to forward a copy of this order to the Director General of Police, Tamil Nadu to issue necessary Circular to all the Commissioner of Police and Superintendent of Police in the State of Tamil Nadu to strictly comply with the conditions imposed by the Department as well as the conditions imposed by the Hon'ble Supreme Court in the aforesaid order strictly without any deviations. Such circulars shall be issued within two weeks from the date of receipt of a copy of this order.

(ii) If necessary, it is also open to the concerned District Collectors to impose further conditions to be incorporated at the time of considering the applications by the organizers. We also make it clear that only Organizing Committees should approach the respondents to make such applications. Applications made by the individuals need not be considered by the authorities.

(iii) In the light of the above, the third respondent in these Writ Petitions shall consider the requests of the petitioners and pass orders granting



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permission to conduct Bullock Cart Race / Horse Race / Rekla Race, if the petitioners have complied with the conditions, as early as possible and in W.P. (MD) Nos.2537 and 3449 of 2024, on or before 17.02.2024.

No costs. Consequently, connected Miscellaneous Petition in W.P. (MD) No.2537 of 2024 is closed.

[D.K.K., J.] [R.V., J.]
16.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The District Collector,
Thanjavur District.
- 2.The Superintendent of Police,
Thanjavur.
- 3.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Pattukkottai,
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- 4.The Inspector of Police,
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- 5.The District Collector,
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- 6.The Superintendent of Police,
Theni,
Theni District.
- 7.The Inspector of Police,
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Theni District.

Copy to

The Director General of Police,
Tamil Nadu.



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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